

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

DONNA OHSANN,

PLAINTIFF,

V. CIVIL ACTION NO. 2:07-cv-00875-WKW

**L. V. STABLER HOSPITAL and
COMMUNITY HEALTH SYSTEMS
PROFESSIONAL SERVICES CORPORATION,**

DEFENDANTS.

**PLAINTIFF'S MOTION FOR LEAVE
TO FILE A SUR SUR REPLY**

COMES NOW the Plaintiff, by and through her attorneys of record, and moves this Court for leave to file a Sur Sur Reply to Defendant's Sur Reply and shows in support thereof as follows:

1. Defendant moved this Court for leave to file a Sur Reply on April 16, 2008. This Court allowed Defendant to file a Sur Reply Brief limited in scope to Plaintiff's Supplemental Evidence.

2. Defendant has filed a 22 page supplement to the addition of three paragraphs to each Plaintiff's declaration. Defendant's Sur Reply Brief puts form over substance, arguing semantics in regards to the supplemental declarations, and

otherwise re-argues its position, straying far afield from merely responding to this supplemental evidence. It is clear from reading the brief that Defendant simply sought to “have the last word.”

3. If this Court intends to have oral argument on Plaintiff’s Motion, Plaintiff can respond at that time to Defendant’s re-arguments and semantics. If it is the intent of this Court to rule on Plaintiff’s motion without oral argument, Plaintiff moves for leave to file a short response to Defendant’s Sur Reply that actually is limited to that Sur Reply, as opposed to regurgitating Plaintiff’s first two briefs on this subject, much as Defendant did its first brief.

WHEREFORE, PREMISES CONSIDERED, Plaintiff moves this Court for leave to file a Sur Reply.

Respectfully submitted,

/s/ David R. Arendall

David R. Arendall
Counsel for Plaintiff

OF COUNSEL:

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CERTIFICATE OF SERVICE

I hereby certify that on April 29, 2008, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system which will send a notice of electronic filing to the following:

David Walston, Esq.

/s/ David R. Arendall

Of Counsel